



**Edmonton Combative Sports Commission  
Decision of March 10, 2015**

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Hearing Panel:	R. Goltz	Chair
	V. Ioannides	Vice-Chair
	L. Sergy	Commissioner
	O. Dawkins	Commissioner

Appellant                    Cody Steven McKenzie

**Introduction and Facts**

1. This is an appeal of a decision of the Executive Director of the Edmonton Combative Sports Commission ("ECSC") to impose a 90 day suspension on Cody Steven McKenzie (the "Appellant"). The appeal was commenced pursuant to section 18 of City of Edmonton Bylaw 15594.
2. On February 12, 2015, the Appellant was involved in a mixed martial arts contest with his opponent (the "Opponent") at the Edmonton Expo Centre. During the course of the contest, the Appellant, while in guard and on top of the Opponent, intentionally drove his forehead into the Opponent's unprotected face in contravention of section 15(A)(i) of the Unified Rules and Other MMA Regulations (the "Infraction"). The referee stopped the fight, disqualified the Appellant pursuant to sections 15(B) and 16(B) of the Unified Rules, and awarded the fight to the Opponent. As a result of the Infraction, the Opponent suffered significant injuries.
3. The Executive Director of the ECSC was in attendance at the contest and witnessed the Infraction. After consulting with the referees and judges also in attendance at the contest, the Executive Director imposed a 90 day suspension on the Appellant for the Infraction.
4. On February 26, 2015, the Appellant notified the ECSC of his intention to appeal the decision of the Executive Director.
5. The Appellant expressed his desire to have the appeal heard as expeditiously as possible, and thus, waived the 30 day notice period mandated in section

19(b) of Bylaw 15594. The Appellant also waived his right to attend the hearing and make oral submissions, and instead relied on the written submissions which he provided to the ECSC on Sunday March 8, 2015. Those submissions were distributed to each of the commissioners at the hearing on March 9, 2015.

### **Issues of Appeal**

6. The Appellant's issue of appeal is:

- The length of the suspension imposed on him by the Executive Director of the ECSC.

### **Analysis**

7. The suspension imposed by the Executive Director on the Appellant was imposed pursuant section 16 of Bylaw 15594.

The Executive Director may revoke, suspend, refuse to issue or renew, or imposition of conditions on any Licence or Event Permit if, in the opinion of the Executive Director, it is in the public interest to do so.

8. The Appellant has expressly admitted his conduct to the ECSC. In his February 26, 2015 email to the Executive Director, the Appellant stated "(w)hen I made the choice to headbutt my opponent I broke the unified rules of MMA and I accept the loss that I received because of it." Nonetheless, the Appellant submits that he should not be subject to the suspension, or, in the alternative, should have his suspension reduced based on a number of factors including:

- He had never previously intentionally fouled any of his opponents;
- His opponent had "harassed him" and called him names prior to the contest;
- Previous to the incident, his opponent committed a foul against him by pulling his hair; and
- He needs to be able to fight to make money to pay bills.

9. Pursuant to section 21 of Bylaw 15594, the Commission may confirm, cancel, vary or substitute the decision being appealed. Decisions made by the Commission respecting appeals of decisions of the Executive Director are determined on the merits of the case, and not by previous precedent.

10. The Commission places little weight on the Appellant's contention that he has not previously intentionally fouled any of his opponents. While previous infractions by a fighter may be an aggravating factor in the imposition of

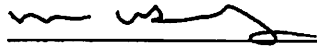
sanctions against him or her, the imposition of a suspension in this case was based purely on the nature of the Infraction by the Appellant.

- 11. The Commission similarly places little weight on the allegations that the Opponent harassed the Appellant prior to the fight, and committed a foul against the Appellant prior to the Infraction. To allow an appeal and reduce a suspension on the ground that one was disrespected by an opponent prior to a fight would allow almost any fighter to successfully appeal any suspension imposed. Further, the alleged "foul" committed by the Opponent was deemed minor in nature by the supervising referee and did not amount to anything more than a warning. The Commission finds that the previous conduct by the opponent does not amount to sufficient grounds to reduce the suspension.
- 12. Finally, the Appellant's current financial means are not an excuse for an admitted flagrant abuse of the Unified Rules.
- 13. The Appellant has not demonstrated that an error that has been made which requires correcting. An appellant has not providing any evidence that there has been a misapplication of rules and regulations. The evidence that has been provided by the Appellant has not provided a sufficient basis to amend the decision of the Executive Director.
- 14. For these reasons, the Commission confirms the suspension by the Executive Director. The suspension was imposed after witnessing the Infraction and was made in consultation with presiding ECSC officials. Sufficient grounds to reduce the suspension have not been provided by the Appellant.

**Conclusion**

- 15. The suspension for the Appellant is confirmed.
- 16. This decision is made with the full agreement of the hearing panel.

Decision dated at Edmonton this 10<sup>th</sup> day of March, 2015.

  
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 R. Goltz  
 ECSC Chair  
 (on behalf-of-the-panel) \_\_\_\_\_

Hearing Panel:	R. Goltz	Chair
	V. Ioannides	Vice-Chair
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